**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **WAVELENGTH MONITOR FOR WDM SYSTEMS**, the specification of which was filed on April 18, 2000, as Application No. 09/551,256.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

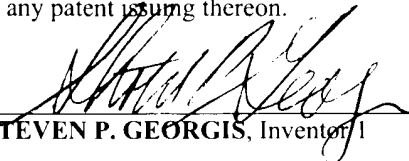
David N. Slone, Reg. No. 28,572  
 Robert C. Colwell, Reg. No. 27,431  
 Paul C. Haughey, Reg. No. 31,836  
 James Okamoto, Reg. No. 40,110  
 Patrick Boucher, Reg. No. 44,037

|   |   |
|---|---|
| Send Correspondence to:<br><b>David N. Slone</b><br><b>TOWNSEND and TOWNSEND and CREW LLP</b><br><b>Two Embarcadero Center, 8<sup>th</sup> Floor</b><br><b>San Francisco, California 94111-3834</b> | Direct Telephone Calls to:<br>(Name, Reg. No., Telephone No.)<br>Name: <b>David N. Slone</b><br>Reg. No.: <b>28,572</b><br>Telephone: <b>650-326-2400</b> |
|---|---|


|                          |  |   |   |
|--------------------------|--|---|---|
| Full Name of Inventor 1: | Last Name:<br><b>GEORGIS</b>                   | First Name:<br><b>STEVEN</b>              | Middle Name or Initial:<br><b>P.</b>    |
| Residence & Citizenship: | City:<br><b>Boulder</b>                        | State/Foreign Country:<br><b>Colorado</b> | Country of Citizenship<br><b>U.S.A.</b> |
| Post Office Address:     | Post Office Address:<br><b>1989 Oak Avenue</b> | City:<br><b>Boulder</b>                   | State/Country<br><b>Colorado</b>        |
|                          |  |   | Postal Code:<br><b>80304</b>            |

|                          |   |   |   |
|--------------------------|---|---|---|
| Full Name of Inventor 2: | Last Name:<br><b>WEVERKA</b>                        | First Name:<br><b>ROBERT</b>                | Middle Name or Initial:<br><b>T.</b>    |
| Residence & Citizenship: | City:<br><b>San Mateo</b>                           | State/Foreign Country:<br><b>California</b> | Country of Citizenship<br><b>U.S.A.</b> |
| Post Office Address:     | Post Office Address:<br><b>2322 Hacienda Street</b> | City:<br><b>San Mateo</b>                   | State/Country<br><b>California</b>      |
|                          |   |   | Postal Code:<br><b>94403</b>            |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

  
STEVEN P. GEORGIS, Inventor 1

Dated: July 5, 2000

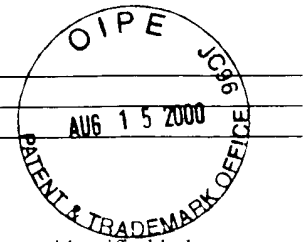
  
ROBERT T. WEVERKA, Inventor 2

Dated: July 5, 2000

PA 3064965 v1

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN**

Applicant or Patentee: STEVEN P. GEORGIS et al.  
 Application or Patent No.: 09/551,256, filed April 18, 2000  
 Title: WAVELENGTH MONITOR FOR WDM SYSTEMS



I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern: Network Photonics, Inc.  
 Address of Small Business Concern: 4775 Walnut Street, Suite C  
Boulder, Colorado 80301

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled WAVELENGTH MONITOR FOR WDM SYSTEMS, by inventor(s) STEVEN P. GEORGIS and ROBERT T. WEVERKA, described in:

- ☐ the specification filed herewith;  
☒ Application No. 09/551,256, filed April 18, 2000;  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Steven P. Georgis  
 Title of Person if Other than Owner: President  
 Address of Person Signing: 4775 Walnut Street, Suite C, Boulder, Colorado 80308-1593

Signature: *Steven P. Georgis* Date: July 5, 2000